REMARKS

Claims 1-9 and 14-22 are pending. Claims 10-13 have been cancelled without prejudice. Claims 1, 14, and 17 have been amended. Claims 1, 14, 17, and 20 are independent claims. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-3, 5-13, and 20 were previously rejected under 35 USC 102(e) as allegedly being anticipated by Larson et al. (US 2003/0069848), hereinafter "Larson". Claims 4, 14-19, 21, and 22 were previously rejected under 35 USC 103(a) as allegedly being unpatentable over Larson in view of Or et al. (US 2002/0067742), hereinafter "Or". Claims 1-22 were previously rejected under 35 USC 103(a) as allegedly being unpatentable over Ballard et al. (US 2002/0059457), hereinafter "Ballard". While these rejections have not been maintained, the Office Action suggests that they could be. These contentions are respectfully traversed.

The Office Action contends that the declarations under 37 CFR 1.131 by Applicant Thue M. Pontoppidan (filed on November 17, 2004) and by Applicant Esben Carlsen (filed on August 23,

2005) are allegedly ineffective to overcome Larson, Or, and Ballard. The Office Action states:

> "The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Larson reference (Larson et al. 2003/0069848 A1), the Or reference (Or et al. 2002/0067742 A1) and the Ballard reference (Ballard et al. 2002/0059457) to either a constructive reduction to practice or an actual reduction to practice."

The Office Action also states:

> "The affidavits of Thue M. Pontoppidan as well as Esben Carlsen allege that diligence to reduce the invention to practice commenced at least as early as July 5, 2000, but there is no allegation or evidence offered that such diligence continued until the invention was actually reduced to practice or until the filing of the application on April 26, 2001."

The declarations by Applicants Thue M. Pontoppidan and Esben Carlsen state, in part, "At least as early as July 5, 2000, we conceived of and proceeded to diligently reduce to practice the invention claimed in the above-referenced patent application. This is evidenced by a written invention disclosure, which was the basis of the above-referenced patent application, and which we prepared for submission to patent

counsel at least as early as July 5, 2000. The invention disclosure contents describe the invention[.]" See, declaration by Thue M. Pontoppidan and declaration by Esben Carlsen. The redacted copy of the invention disclosure submitted with the Supplemental Reply of September 21, 2005 shows that the invention disclosure was received by the Intel Legal Team on June 21, 2000. Also, the redacted copy of the invention disclosure states "5. Stage of development (i.e. % complete, simulations done, test chips if any, etc.) Working Prototype exists in laboratory." The declarations by the Applicants and the Intel invention disclosure stating that as of June 21, 2000, a working prototype of the invention existed in the laboratory establish a prima facie showing that the invention was reduced to practice at least as early as July 5, 2000.

Based on the above, it is respectfully submitted that Larson, Or, and Ballard are no longer effective references under 35 USC 102(e) or 103(a). Therefore, the rejections based on Larson, Or, and Ballard cannot be maintained or reinstated.

Claims 1-22 are rejected under 35 USC 103(a) as allegedly being unpatentable over Roytman et al. (US 6356282 B2), hereinafter "Roytman", in view of Lee et al. (US 6336137 B1), hereinafter "Lee". This contention is respectfully traversed.

As amended, independent claim 1 reads, "receiving on a wireless application protocol (WAP) terminal an interface to permit management of a network device; interacting with the interface to send a request to a WAP device manager resident on a WAP gateway to manage a network device based on the request; at the terminal, receiving a response from the WAP device manager; and managing a network device based on the interaction with the interface." (Emphasis added). The method includes receiving an interface on a wireless application protocol (WAP) terminal. The WAP terminal sends a request to a WAP device manager resident on a WAP gateway. The WAP terminal receives a response from the WAP device manager. The WAP terminal manages a network device through the WAP device manager based on this interaction that includes the request and response.

Roytman describes an alarm manager display in a distributed network management system that is arranged to have two modes of operations. In one mode of operation, the alarm manager display automatically scrolls when new events arrive. If there are sorting criteria defined, the alarm manager window scrolls either up or down depending on the sort order so that when new events arrive, they always appear on the screen. In the second mode of operation, the alarm manager window does not scroll when

new events arrive. See, e.g., Roytman, Abstract, col. 3, lines 49-55. The purpose of Roytman is not to manage a network device by interacting with an interface on a terminal.

Lee describes client-server methods and systems where various clients that use different markup languages may use the same server, which can serve pages in various languages. The client may be a thin client or a browser. The server is configured to parse the request from the client to determine both the language of the request and the information requested. Clients that want to request a particular markup language route their requests to the appropriate directory. The system directs requests in those virtual directories to components that serve the correct markup language. The server recovers information from the associated repositories and renders views in a language supported by the client or browser. See, e.g., col. 4, lines 13-35. Thus, Lee describes displaying information on a client or a browser in a language supported by the client or the browser. The request is received from the client and the response is sent to the client. The data is retrieved from virtual directories in a server. Thus, Lee does not describe or suggest managing a network device based on the request and response.

There is no motivation to combine the teachings of Roytman and Lee. Roytman teaches two methods, one in which the alarm manager display scrolls when new events arrive and the second in which the alarm manager window does not scroll when new events arrive. Lee teaches client-server systems and methods where various clients that use different markup languages may use the same server, regardless of the communication protocol. The communication protocol causing information transfer between an alarm manager and a server does not affect whether or not the alarm manager window scrolls. Thus, there is no motivation to combine Roytman and Lee.

In fact, the proffered motivation to combine amounts to a hindsight reconstruction using the Applicant's own disclosure as a template, which is impermissible under the law. See In re Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985). The Federal Circuit has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." See In re Fritsch, 23 U.S.P.Q. 2d 1780, 1784 (Fed. Cir. 1992), quoting In re Fine, 837 F.2d at 1075, 5 USPQ2d at 1600.

Since there is no motivation to combine Roytman and Lee, a prima facie case of obviousness has not been established. Accordingly, claim 1 should be allowable. Dependent claims 2-9 should also be allowable at least for the above reasons and the additional recitations that they contain.

Independent claim 14 relates to a method including providing an interface to a wireless application protocol terminal to permit management of a network device, sending simple network management protocol requests to the device from a wireless application protocol gateway based on wireless markup language requests received from the terminal, sending wireless markup language responses from the device to the terminal from a wireless application protocol gateway, based on simple network management protocol responses received from the device, and managing the device based on the requests and responses.

As discussed previously, there is no motivation to combine the teachings of Roytman and Lee to create a method of managing a network device through an interface provided to a wireless application protocol terminal to permit the management of the network device. Since there is no motivation to combine Roytman and Lee as suggested by the Office, a primar facie case of obviousness has not been established. Accordingly, claim 14

should be allowable. Dependent claims 15 and 16 should also be allowable at least for the above reasons and the additional recitations that they contain. Independent claims 17 and 20 recite features similar to claim 14 and are allowable at least for the above reasons. Dependent claims 18, 19, 21, and 22 are also allowable at least for the above reasons and the additional recitations that they contain. The rejection of claims 10-13 have been obviated by the cancellation of these claims without prejudice.

CONCLUSION

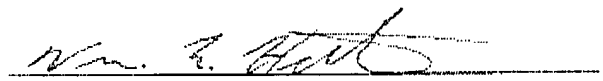
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply the 3-Month Extension of Time Fee, along with any additional necessary charges or credits to Deposit Account No. 06 1050.

Respectfully submitted,

Date: September 11, 2006



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